BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 2196 Of 2003.

PETITIONER :- Kartikeya Dubey, son of Prabhat Kumar Dubey, Aged about 13 years, minor through his natural Gaurdian Father Prabhat Kumar Dubey, resident Of Kashdol, Present resident of Qr. No. D-16, Vinoba Nagar, Bilaspur (Chhattisgarh)

V E R S U S

RESPONDENTS

1. District Education Officer, Bilaspur (C.G),
2. Alpana Senguta, Tabulator of Eighth Board Examination 2003,
3. Mala Chakroborty, Tabulator of Eighth Board Examination 2003,
4. T. Bosamis, Examiner of Eighth Board Examination 2003,

All respondent no. 2 to 4 through District Education Officer, Bilaspur (Chhattisgarh),

5. M. Singh Thakur, Principal, Shahid Nutan Higher Secondary School, Ratanpur, District Bilaspur (Chhattisgarh).

P. R. No. 2060/03
Presented by Shri Pankaj Agrawal
dated 03.09.03

PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

(66)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.2196 **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

17.12.2004

Shri H.B. Agrawal, counsel for the petitioner.

Shri Utkarsh Verma, Panel Lawyer for the State/respondent No.1.

None present on behalf of other respondents.

Heard both the counsel on the question of admission of the petition.

The petitioner's case is that in the year 2003, he appeared in Class-VIII examination under Roll No.04747, but he was declared fail and mark sheet Annexure P-1 was issued. Main allegation of the petitioner is that one Sourabh Haldar was also a student of Class-VIII of Ideal Public School, Bilaspur, his father's name is A.K. Haldar, with whom respondent No.2 Alpana Sengupta was residing, and she worked as Tabulator in the said examination and manipulated the result of the petitioner as also Sourabh Haldar and the petitioner was deliberately declared fail in the subjects of English, Mathematics & Science, therefore, copies of the petitioner be called before this Court to verify the fact.

Return has been filed on behalf of respondent No.1 in which it has been specifically mentioned that looking to the allegations of the grand-father of the petitioner a committee consisting of Shri S.L. Dixit, Assistant Director; Smt. D. Sharma, Principal, Government

GRPRJ—FS/350—12/2000—50,000.

(67)

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मामला क्रमांक W.P. 2196/ **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Higher Secondary School, Tifra; and Shri A. Joseph, Principal, KEN Memorial Higher Secondary School, Kududand, Bilaspur, was constituted and the committee after conducting enquiry submitted its report Annexure R-1. As per the report, the committee found no mistake in tabulation of the marks relating to the petitioner, whereas, in the marks relating to Sourabh Haldar glaring mistakes were detected. Accordingly, appropriate action has been taken against the Tabulator and she has been debarred from tabulation work for a period of three years and order to that effect is Annexure R-2.

I have perused the report submitted by the committee. In para 1 of that report it has been specifically mentioned that on examination the committee reached the conclusion that the marks awarded by the examiner to the petitioner and mentioned in the mark sheet are correct. Therefore, nothing was detected abnormal in the case of the petitioner. However, in the case of Sourabh Haldar some glaring mistakes were detected by the committee and there was a discrepancy in the marks obtained by the petitioner in all the subjects and the marks mentioned in the mark sheet. Accordingly, the committee suggested action, accordingly, action was taken against respondent No.2. As per the allegations of the petitioner's grandfather, the committee was constituted and it had perused the answer sheets and mark sheets and reached the conclusion that there

GLPRJ—FS/78 — 9/2000 —50,000.

(68)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.2196/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 3 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

was no discrepancy in the marks obtained by the petitioner and mentioned in the mark sheet. As such, the petitioner has not been able to make out a case seeking interference by this Court in the result of the petitioner. There are no allegations in the petition that the examiners had not evaluated the answer sheets of the petitioner correctly. The only allegation is that manipulation was done in tabulation by respondent No.2 on which the committee had already examined the answer sheets and the marks sheets, and nothing abnormal was detected by the said committee. Order sheet dated 22.3.2004 shows that the answer books of English, Mathematics & Science were shown to learned counsel for the petitioner and in that nothing could be detected abnormal. As such, I do not find any substance in this petition.

Therefore, the writ petition is dismissed at the admission stage itself.

Consequently, M.(W.)P.No.1987/2003 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Soma

29.12.04